

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PETER J. SOBOTTA, R.N.,	:	LS08120412NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 081]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Peter J. Sobotta, R.N.
6641 Owl's Head Drive, Apt. L
Indianapolis , IN 46217

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Peter J. Sobotta, R.N., Respondent, date of birth November 30, 1965, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 150887, which was first granted June 2, 2005.

2. Respondent's last address reported to the Department of Regulation and Licensing is 6641 Owl's Head Drive, Apt. L, Indianapolis, IN 46217.

3. On October 4, 2007, in case LS 07100416 NUR, the Board issued a Final Decision and Order disciplining Respondent, which:

a. Found that, while Respondent was performing psychiatric nursing care during 2005 and 2006, he crossed nurse-patient boundaries and violated Wis. Adm. Code § N 7.04(intro.)

b. Reprimanded Respondent for his conduct.

c. Imposed a limitation on Respondent's license which required Respondent to provide a copy of the Final Decision and Order to supervisory personnel prior to commencing work as a nurse providing patient care at any setting for two years.

4. On December 11, 2007, Respondent interviewed for a position with Wheaton Franciscan Health Care-St.

Francis Hospital to work as a registered nurse on the St. Francis Mental Health Unit. During that interview, Respondent did not disclose the limitations on his license and did not provide a copy of the Final Decision and Order.

5. Respondent was offered employment contingent on a required background check. On January 4, 2008, Respondent completed a Department of Health and Family Services Background Information Disclosure form and gave it to a Human Resources Representative at Wheaton Franciscan Health Care-St. Francis Hospital. The form asked whether any government or regulatory agency had ever limited, denied or revoked his license to practice. Respondent checked "yes" and wrote: "Current limit on RN license. Pt. complaint, denied wrongdoing, settled matter." Respondent did not make any additional statements about the limitation and did not provide a copy of the Final Decision and Order.

6. Respondent was then employed at Wheaton Franciscan Health Care-St. Francis Hospital beginning January 14, 2008. Respondent did not provide a copy of the Final Decision and Order to his employer. His employment was suspended on January 31, 2008 and terminated on February 8, 2008, after his employer received an anonymous call and learned Respondent was to have provided a copy of the Final Decision and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to provide a copy of the Board's October 4, 2007 Final Decision and Order to Wheaton Franciscan Health Care-St. Francis Hospital prior to beginning employment there on January 14, 2008, has violated the terms of an Order of the Board, which is unprofessional conduct as defined by Wis. Adm. Code § N 7.04(14) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Peter J. Sobotta, R.N., Respondent, to practice professional nursing in the State of Wisconsin is hereby **SUSPENDED** for sixty (60) days.

2. Respondent shall not have multistate licensure privileges, pursuant to the Nurse Licensure Compact, to practice in Wisconsin under any "home state" license.

3. Following the end of the suspension, the following **LIMITATIONS** are placed on Respondent's practice in Wisconsin or under his Wisconsin license:

a. Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee.

b. Respondent shall not work as a nurse or other health care provider in a setting where mental health services are provided nor in a home health care setting.

c. Respondent shall immediately provide a copy of this Final Decision and Order to supervisory personnel at all settings where Respondent is working as a nurse or other health care provider. Prior to commencing work as a nurse providing patient care at any other setting during the two years following the date of this Order, Respondent shall provide a copy of this Final Decision and Order to supervisory personnel.

d. Respondent's supervisors shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

4. Beginning two years from the date of this Order, Respondent may petition the Board to have limitations modified or removed. Any petition shall include Respondent's complete employment history from the date of the Order and sufficient information to allow Board representatives to contact employers. Whether to modify or remove a limitation shall be in the discretion of the Board. If Respondent believes that the Board's refusal to modify or remove a limitation is inappropriate Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to

show that the Board's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$580.00 pursuant to Wis. Stat. § 440.22(2).

6. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

8. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

12/4/08
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
PETER J. SOBOTTA, R.N.,	:	LS _____ NUR
RESPONDENT.	:	

[Division of Enforcement Case # 08 NUR 081]

It is hereby stipulated and agreed, by and between Peter J. Sobotta, R.N., Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. Attached to this Stipulation are Respondent’s current wall and wallet registration certificates. If the Board accepts the Stipulation, Respondent's license shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
8. If the Board adopts this Stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Peter J. Sobotta, R.N.
Respondent
6641 Owl's Head Drive, Apt. L
Indianapolis, IN 46217

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date